

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 447 of 2014

1. Goutam Sidar S/o Akbar Singh Sidar Aged About 28 Years, Caste Markam (Gond), Occupation Private Service (Fabrication).
2. Smt. Punam W/o Goutam Sidar Aged About 25 Years, Occupation Service.

Both R/o Village-Amakani (Manjhapara), P.S. And Tah. Patthalgaon, Distt. Jashpur, At Present Nichepara, Dharamjaigarh, Tah. And P.S. Dharamjaigarh, Civil and Revenue Distt. Raigarh C.G.

---- Appellants/claimants

Versus

1. Harjindar Singh S/o Kalyan Singh Aged About 61 Years, Occupation Vehicle Owner, R/o G-03, D. Block, D. Choudhari Madhusudan Complex, Dimna Chowk, Mango Jamshedpur Singhbhum Jharkhand, Pin- 831012, Jharkhand
2. Hariram Kewat S/o Jabbar Kewat Aged About 45 Years, Occupation Driver, R/o Village Khiridih, P.S. Kaptanganj, Distt. Ajamgarh U.P.
3. Branch Manager ICICI Lombard General Insurance Co. Ltd., Jamshedpur, Office Commercial Bhawan, Devendra Nagar, Raipur C.G.

---- Respondents

For Appellants	:	Shri Praveen Dhurandhar, Adv.
For Respondent Nos.1 & 2	:	None.
For Respondent No.3	:	Shri Amrito Das, Adv.

Hon'ble Shri Gautam Chourdiya, J

Judgment On Board

30/01/2019

This appeal is by the claimants against the award 18.2.2014 passed by Motor Accident Claims Tribunal, Raigarh (CG) in Claim Case No. 151/2012 awarding total compensation of Rs.95,809/-

(Rs.7,000/- in favour of claimant No.1 Goutam Sidar & Rs.88,809/- in favour of claimant No.2 Smt. Punam) with interest @ 6% per annum from the date of application till realization, fastening liability on the non-applicants jointly and severely.

02. As per claim petition, on 14.9.2012 claimant No.1 Goutam Sidar along with his wife claimant No.2 Smt. Punam Sidar and daughter Ku. Shreya Sidar, aged about 1 ½ years, by riding Scooty was going from Bus Stand to Nichepara, Dharamjaigarh. However, on the way, non-applicant No.2 Hariram Kenwat by driving the Tractor bearing No. NL-01-D-3289 in a rash and negligent manner dashed the said scooty, as a result of which Ku. Shreya fell down, she was run over by the said Tractor and died and the claimants also suffered grievous injuries. The offending vehicle was owned by non-applicant No.1 and insured with non-applicant No.3 at the relevant time.

03. On claim petition being filed by the claimants under Section 166 of the Motor Vehicles Act, the Tribunal considering the evidence led by both the parties passed an award as mentioned above.

04. Learned counsel for the appellants/claimants submits that the Tribunal has not properly considered the evidence adduced by the claimants in respect of their income and medical expenses. He further submits that the Tribunal has not awarded any amount towards nutritional diet, attendant, conveyance and future treatment. Therefore, the compensation awarded by the Tribunal being on the lower side deserves to be enhanced.

05. On the other hand, learned counsel for the respondent/insurance company supports the impugned award and submits that the Tribunal considering all the relevant aspects of the matters has rightly awarded compensation which needs no interference by this Court.

06. Heard learned counsel for the parties and perused the material available on record.

07. Considering the facts and circumstances of the case, the pleadings of the parties and the evidence adduced in support thereof,

the medical bills filed by the claimants, the nature of injuries suffered by them, this Court is of the opinion that the Tribunal has rightly awarded Rs.7,000/- for the injuries suffered by claimant No.1 Goutam Sidar and total Rs.88,809/- in favour of claimant No.2 Smt. Punam Sidar under the heads of physical and mental sufferings, for the inconvenience caused to her due to injuries and the medical expenses. However, the Tribunal did not award any amount to claimant No.1 towards nutritional diet and conveyance and therefore, in the facts and circumstances of the case, this Court feels it proper to award Rs.2,000/- towards nutritional diet and Rs.1,000/- towards conveyance in favour of claimant No.1. As such, claimant No.1 is held entitled for additional compensation of Rs.3,000/- with interest as awarded by the Tribunal.

Likewise, the Tribunal did not award any amount to claimant No.2 towards nutritional diet, conveyance, attendant and for future treatment. Therefore, this Court feels it proper to award a lump sum amount of Rs.11,191/- as additional compensation in favour of claimant No.2 under the aforesaid heads, making the total compensation payable to her as Rs. 1 lac.

08. In the result, the appeal is allowed in part with modification in the impugned award to the extent that claimant No.1 Goutam Sidar is entitled for additional compensation of Rs.3,000/- and claimant No.2 Smt. Punam is entitled for additional compensation of Rs.11,191/-. In other words, total compensation of Rs.95,809/- awarded by the Tribunal is enhanced to Rs.1,10,000/-. The additional compensation of Rs.14,191/- shall carry interest @ 6% per annum from the date of claim petition till realization. However, rest of the conditions of the impugned award shall remain intact.

Sd/

(Gautam Chourdiya)

Judge